

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – OFFICE OF ENFORCEMENT
APRIL 18, 2023**

ITEM 7

SUBJECT

PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE WATER QUALITY ENFORCEMENT POLICY.

DISCUSSION

Proposed amendments to the Water Quality Enforcement Policy (Enforcement Policy) were noticed for public comment on February 10, 2023. The public hearing that will take place on April 18, 2023, will allow members of the public to submit written and/or oral comments on the proposed amendments. Staff will present a summary of the significant revisions to the Enforcement Policy and will be available to answer questions from the board. The public comment period closes on April 28, 2023.

POLICY ISSUE

The amendments would clarify certain principles that are central to the Enforcement Policy, helping to ensure more transparent and consistent application of the statutory factors outlined in California Water Code (Water Code) sections 13327 and 13385, subdivision (e) that the Water Boards must consider when assessing a civil liability. The amendments would also establish a template for procedures for evidentiary hearings to consider imposition of administrative civil liability, re-organize several sections to improve efficiency and flow, and add clarifications to a variety of provisions to enhance transparency to the Water Boards' enforcement process and penalty methodology application. Non-substantive technical amendments would increase comprehensibility.

FISCAL IMPACT

The proposed amendments will have no fiscal impact.

REGIONAL BOARD IMPACT

The Regional Water Boards are required to follow the Enforcement Policy when bringing enforcement actions pursuant to their authority in the Water Code. The Office of Enforcement (OE) works closely with the Regional Water Boards on enforcement matters and OE attorneys serve as counsel for the Regional Water Board prosecution staff. Many of the proposed amendments were made in consultation with, or in response to suggestions by, the Regional Water Boards.

STAFF RECOMMENDATION

Staff recommends the State Water Board hold a public hearing, as required by Water Code section 13147, to consider comments by members of the public on the proposed amendments to the Enforcement Policy. No action will be taken on this item at the April 18, 2023, public hearing.